

## **Briefing Statement**

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**Bureau:** National Park Service  
**Issue:** Proposed Land Exchange Between Eastern Band of Cherokee Indians and National Park Service  
**Park Site:** Great Smoky Mountains National Park  
**Date:** February 12, 2004

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### **Background:**

Since 1971, leaders of the Qualla Indian Reservation in Cherokee, North Carolina, have periodically approached the National Park Service requesting that up to 200 acres within the boundaries of Great Smoky Mountains National Park be made available to the Eastern Band of Cherokee Indians for development. Initially the land was requested to allow construction of a golf course but in 1994 the Eastern Band indicated their desire to construct new elementary, middle, and high schools on the property, known locally as the Ravensford Tract or Floyd Bottoms. In addition, the EBCI wants the property in order to connect two discontinuous sections of the reservation. Over the years, the National Park Service (NPS) consistently rejected the proposal citing concerns regarding the protection of natural and cultural resources.

The Ravensford Tract was placed on the National Register of Historic Places in 1982 as an archeological district, based upon a cursory survey that revealed extensive deposits of historic and prehistoric resources. Portions of the Tract contain wetlands and various natural systems including several species new to science. The proposed development would require extensive clearing, grading and excavation, potentially disturbing both the natural systems and archeological deposits.

In January 2000, at the suggestion of the House Appropriations Committee and the Secretary of Interior, former NPS Director Robert Stanton committed the NPS to undertake the natural and cultural resource studies and value appraisal processes needed to determine the feasibility of a land exchange involving up to 168 acres of Park land for yet-to-be-identified parcel(s) of land in North Carolina to be added to a unit of the National Park System in that state. On June 14, 2000, a General Agreement was executed between the NPS and the Eastern Band, to document the resource evaluations and appraisals required to be carried out. The Eastern Band agreed to pay for the necessary studies.

By 2002 a 218 acre tract of land near Waterrock Knob, also known as the Yellowface Tract, was settled upon as the land to be acquired by the EBCI and added to the Blue Ridge Parkway in exchange for the Ravensford property. Under provisions of the National Environmental Policy Act and the National Historic Preservation Act, preparation of an Environmental Impact Statement (EIS) was begun in early 2003. The EIS included multiple studies of the natural and cultural resources and included two formal public involvement periods to solicit comments on the proposed exchange.

A Draft EIS was released for comment in June 2003 which described the impacts of three alternative actions: No Action (i.e. no exchange), Exchange of 168 acres of Ravensford for the Waterrock Knob Tract, and Exchange of 143 acres of Ravensford for 218 acres at Waterrock Knob.

**Current Status:**

Environmental groups, the governor-appointed NC Governor's Park, Parkway, and Forest Development Council, and their Tennessee counterparts the TN Great Smoky Mountains Park Commission, have indicated their opposition to this exchange. The Tribe and Congressman Charles Taylor favor the exchange.

The draft EIS did not list an agency preferred alternative and made no recommendations. The comments received following the release of the Draft EIS would normally be considered in developing a final EIS and a Record of Decision. At this point in time, however, it is not certain whether a final EIS will be released because legislative action may supplant the NPS decision-making process.

In the 108th Congress Representative Charles Taylor introduced, HR 1409, which called for the Department of Interior (DOI) to exchange 143 acres of Ravensford for 218 acres at Waterrock Knob. Prior to Congress completing any action on the measure as an independent bill, similar language was inserted into the fiscal year 2004 Interior Appropriation Bill. Gaming activities on the tract are explicitly prohibited under the legislation. President Bush signed the Bill into Law in November 2003.

Under provisions of the law the DOI and the EBCI have one year to complete the transfer. The DOI and EBCI were directed to establish a "government-to-government" relationship and to cooperate in the planning and design of the facilities to be built at Ravensford. In January 2004 the NPS, the EBCI and the NC State Historic Preservation Officer signed a Memorandum of Agreement outlining a cooperative process to protect the historic and cultural resources on both tracts of land.

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**Contact:**

John H. Yancy, Associate Regional Director, Resources, Southeast Region  
(404) 562-3279 email [John\\_Yancy@nps.gov](mailto:John_Yancy@nps.gov) website: [www.npslandexchange.com](http://www.npslandexchange.com)